MONDAY, APRIL 10, 1978
PART V

federal register

DEPARTMENT OF TRANSPORTATION

Coast Guard

■

WATERFRONT FACILITIES

Advanced Notice of Proposed Rulemaking

[4910-14]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Parts 126, 154, 156]

[CGD 77-128]

WATERFRONT FACILITIES

Advance Notice of Proposed Rulemaking

AGENCY: Coast Guard, DOT.

ACTION: Advance notice of Proposed rulemaking.

SUMMARY: The Coast Guard invites public participation at the earliest stages in the development of new waterfront facilities regulations. Present regulations have not kept abreast of changing technologies and industry practices. Separate regulatory parts address facility environmental and safety matters. It is proposed that a single waterfront facilities regulatory package be developed to address both environmental and safety issues in a manner reflecting existing technologies and industry practices.

DATES: 1. Comments must be received on or before August 1, 1978. 2. Public Meetings: The Coast Guard will hold three public meetings concerning this proposal. The first will be held on May 11, 1978, beginning at 9:30 a.m. in New York, New York. The second will be held on May 22, 1978, beginning at 9:30 a.m. in Long Beach, California. The third will be held on May 25, 1978, beginning at 9:30 a.m. in Houston, Tex.

ADDRESSES: Comments should be submitted to Commandant (G-CMC/81), U.S. Coast Guard, Washington, D.C. 20590. Comments will be available for examination at the Marine Safety Council (G- CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

Public meetings will be held at the following locations:

May 11, 1978, 9:30 a.m., Great Hall, New York Chamber of Commerce and Industry, 65 Liberty St., New York, N.Y.

May 22, 1978, 9:30 a.m., Flamingo Room, on Board the Queen Mary Hyatt Hotel, Long Beach, Calif.

May 25, 1978, 9:30 a.m., Houston Host International Hotel, Room 747A, Houston, Tex.

FOR FURTHER INFORMATION CONTACT:

Lieutenant Commander, Edward H. Bonekemper, III, Port Safety Branch (G-WLE-1/73), Room 7319C, U.S. Coast Guard, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1927.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD 77-128) and the specific sections of the proposal to which their comments apply, and give the reasons for their comments. All comments received will be considered before further rulemaking action is taken on this proposal. Notices of proposed rulemaking will be published, and further opportunity for comment will be provided before final action is taken.

Drafting Information

The draft materials contained in this advance notice rely heavily upon recommendations by the Coast Guard's Chemical Transportation Industry Advisory Committee (CTIAC) and its Liquefied Gas Facilities and Bulk Liquid Facilities Subcommittees. This advance notice has been drafted by the Coast Guard's Waterfront Facilities Task Force, which consists of: LCDR Edward H. Bonekemper, III, Coordinator, LCDR John G. Busavage, LCDR Robert T. Luckritz, LCDR George J. Buffleben, Jr., LCDR T. Roger Pike and LT G. Alex Weller. The principal persons involved in drafting this proposal are LCDR Edward H. Bonekemper, III, Project Manager, Office of Marine Environment and Systems, and Stanley M. Colby, Project Counsel, Office of the Chief Counsel.

Discussion of The Proposed Regulations

This advance notice contains a preliminary draft of proposed regulations which would apply to all waterfront facilities. It must be emphasized that these are preliminary draft regulations designed to stimulate comment and thoughtful suggestions by raising a variety of issues. No effort has been made to structure these proposals within the outline proposed in this preamble because both the proposals and the outline are intended as tentative suggestions of possible approaches which might be taken. The Coast Guard seeks to avoid being committed to any particular approach during this conceptual stage. Even where detailed specific proposals (such as lighting standards, hose pressures, etc.) are presented, this is being done solely to generate more comment and more informed comment concerning them.

Existing Coast Guard waterfront facility safety regulations in 33 CFR Part 126 were issued in the 1950s and 1960s under the authority of the Magnuson Act (50 U.S.C. 191). Although some sections were revised in 1970, many have remained unchanged since the early 1950s. As a result, they do not take into account such intervening developments as the growth of a massive intermodal container industry; use of new types of vessels (ro-ro, lash, container, etc.); the rapid increase in number and complexity of petrochemical facilities; and the transportation, stowage, and handling of a wide variety of new hazardous chemicals and dangerous cargoes.

Significant legal and regulatory developments also have occurred during the years since most of these existing regulations were issued. Among these are the passage of the Ports and Waterways Safety Act, (86 Stat. 424, 33 U.S.C. 1221-7) the Federal Water Pollution Control Act (86 Stat. 862, as amended, 33 U.S.C. 1321) and the Transportation Safety Act (which includes the Hazardous Materials Transportation Act) (88 Stat. 2156, 49 U.S.C. 1801 et seq.). Existing facility safety regulations in 33 CFR Part 126 also do not reflect the issuance of the Coast Guard's own pollution prevention regulations (33 CFR Parts 154-156) and the "packaged" hazardous materials regulations (49 CFR Parts 170-189) of the Materials Transportation Bureau's Office of Hazardous Materials Operations.

It is intended to take into account these technological, statutory, and regulatory developments in the rewriting of 33 CFR Part 126. This will necessitate addressing each type of facility in considerable detail, which in itself will represent a significant change from the rather brief provisions of Part 126. (Incidentally, the Ports and Waterways Safety Act provides that state and local governments may prescribe even higher safety equipment requirments or safety standards for waterfront facilities than might be prescribed by the Coast Guard.)

Another contemplated change should benefit facility owners and operators by making the regulations more usable. At present the Coast Guard's safety and security regulations for waterfront facilities are in 33 CFR Part 126 while its facility environmental protection regulations for the prevention of oil pollution are in 33 CFR Parts 154 and 156. Although the oil pollution prevention regulations (33 CFR Parts 154-156) themselves are currently being updated (See Notice of Proposed Rulemaking in the June 27, 1977 issue of the Federal Register (42 CFR 32670)), the facility portions of those regulations eventually will be moved to 33 CFR Part 126. Thus, a facility owner or operator will be able to find all Coast Guard safety, security, and environmental regulations for waterfront facilities in a single CFR Part.

The Coast Guard's Waterfront Facilities Task Force has prepared the following proposed outline for the new facilities regulations, and it is set forth here for comment:

Subpart	Sections	
A	126.0001-.0999	General facility requirements.
B	126.1001-.1999	Bulk liquid facilities.
C	126.2001-.2999	Liquefied gas facilities.
D	126.3001-.3999	Bulk solids facilities.
E	126.4001-.4999	Container facilities.
F	126.5001-.5999	Break bulk facilities.
G	126.6001-.6999	Explosives facilities.
H	126.7001-.7999	Other facilities.

Each subpart above will contain sections grouped into the following categories:

.—001 General
.—101 Definitions
.—201 Design, Construction and Equipment
.—301 Fire Protection
.—401 Maintenance
.—501 Inspection and Tests
.—601 Records
.—701 Operations
.—801 Facility Security
.—901 Personnel Qualifications and Training

A separate regulatory subpart package is contemplated for each of the types of facilities itemized above. As indicated, there would be a parallel organization within each of the subparts. Each of the subparts will be developed simultaneously under the direction of the Task Force. The general regulations subpart will be developed first. Then each of the other subparts will be the subject of separate notices of proposed rulemaking. The timing of each of them will depend upon several factors, including the extent of public comment, resources available to draft them, and complexity of coordination with other agencies.

Persons familiar with LNG facilities are aware that the Office of Pipeline Safety Operations (OPSO) of the Materials Transportation Bureau on April 21, 1977 (42 CFR 20776) issued an advance notice of proposed rulemaking concerning safety of LNG facilities used in connection with pipeline transportation. The Coast Guard has also been working on a regulations package for LNG facilities under the authority of the Ports and Waterways Safety Act of 1972. In order to eliminate overlapping of, and conflicts between, these two sets of regulations and to assist the owners and operators of LNG facilities which would be subject to both Coast Guard and OPSO regulation, a Memorandum of Understanding between the two agencies was signed in February 1978. This Memorandum provides for the division of areas of responsibility between the two agencies. Thus, it is possible, that Coast Guard General Facilities Regulations may not apply to all portions of LNG waterfront facilities. A separate ANPRM concerning such facilities will be published in the near future.

The general regulations subpart may contain a definitions section and regulations applicable to all waterfront facilities. To carry out the purposes of the Ports and Waterways Safety Act and the Federal Water Pollution Control Act, under the authority of which these regulations would be issued, such terms as "waterfront facilities" and "shore area" may be defined broadly.

Numerous potential sources of information are being tapped in order to make these proposed regulations as realistic and responsive as possible. Among these sources are National Transportation Safety Board reports, Captain of the Port reports of unusual occurrences, information and opinion being submitted by Coast Guard District Commanders and Captains of the Port, national consensus standards (NFPA, ANSI, etc.), and CTIAC's subcommittees on liquefied gas facilities, bulk liquid facilities, and breakbulk and container facilities. (Meetings of CTIAC and its subcommittees have been announced in advance in the FEDERAL REGISTER.) Further comment is sought from state and local governments, marine and other industry representatives, port and harbor authorities, environmental groups, and other interested parties.

The Coast Guard has made a tentative decision to incorporate by reference consensus standards throughout the waterfront facility regulations when those standards are sufficient to provide appropriate safety or environmental protection. Partial incorporation and incorporation with exceptions also are contemplated. Additional Coast Guard requirements may be imposed. Comments are solicited concerning which, if any, national consensus standards should be adopted and the environmental and economic impact of such adoption.

The Coast Guard is required to evaluate the economic impact of the rules actually proposed. To satisfy this obligation and to produce reasonable rules, it is important that economic issues of benefits and costs be addressed in general and in specific cases. Primary concern should be on additional benefits and costs that will be generated by the proposed rules, but attention can be given to the absolute level of benefits and costs. The Coast Guard hopes to develop comprehensive waterfront facility safety, security, and environmental protection regulations which can achieve those purposes at a reasonable cost to industry, consumers, and government. Thus, comments contributing to cost/benefit analyses and suggesting economical, efficient, but effective regulatory approaches will be most helpful. Such information includes number and location of facilities affected, quantities of hazardous and other materials affected, the scope and degree of safety and environmental hazards, the extent to which the proposed regulations reduce the risks associated with storing and handling hazardous and other materials, time and costs required for compliance (equipment, personnel training, procedures, etc.), local practices and customs, and effects upon facility productivity, efficiency, and profits. Economists, Dr. Robert N. Stearns and Dr. James F. Veatch, of the Ports and Waterways Planning Staff can be consulted on what kinds of data and evaluations would be most useful 202-426-2262.

Also useful would be comments on the possibility of utilizing concepts now found in the oil pollution prevention regulations, 33 CFR 154-156 (such as persons in charge, declarations of inspection, letters of intent, and operations manuals), as models for regulating all waterfront facilities. The definitions of "waterfront facility" and "shore area" should be carefully analyzed. Comment is sought on whether the term "waterfront structure" should be substituted for "waterfront facility." In addition, the issue of siting of waterfront facilities requires consideration. Comment is sought on siting of facilities, particularly the role of the Coast Guard and factors to be taken into consideration before the site of a facility is approved.

Consideration is also being given to a segregation table for stowage of hazardous materials on facilities. At present, no segregation is specified for waterfront warehouse, container staging and storing areas, or container barge fleeting areas. Segregation requirements would be similar to those vessels currently in 49 CFR 176. Comments on segregation for facilities would be very useful.

It is the intention of the Coast Guard to avoid overlap with any other federal regulations and to avoid any conflicts or gaps. Comments are solicited on any existing or potential gaps or overlaps between these proposed Coast Guard regulations and those of any other governmental agency.

Information, comments, and opinions concerning environmental and economic impacts and any other facet of any of the matters mentioned in this advance notice would be of assistance to the Coast Guard and its Task Force in developing detailed, coordinated, and updated waterfront facilities regulations.

The following is the outline for the General Facilities regulations.

Subpart A—General Facility Requirements

APPLICATION AND ENFORCEMENT

Sec.
126.0010 Application.
126.0020 Purpose.
126.0030 Definitions.
126.0040 Enforcement.
126.0045 Suspenion of transfer operations.
126.0050 Waiver authority.
126.0055 Letter of intent.
126.0060 Use permit.
126.0065 Inspections.

Sec.

126.0070 Appeals.
126.0090 Adoption of standards.

DESIGN, CONSTRUCTION, AND EQUIPMENT

126.0105 Quality assurance.
126.0110 Pier construction.
126.0120 Protection of equipment.
126.0125 Means of access.
126.0130 Sewers, trenches, and drains.
126.0150 Electical power system.
126.0160 Lighting system.
126.0170 Warning alarms.

FIRE PROTECTION AND SAFETY EQUIPMENT

126.0510 Fire control systems.
126.0520 Fire protection system.
126.0530 Automotive fire apparatus.
126.0535 Fire mains.
126.0540 Fire main piping.
126.0545 Hydrants, hoses, sprinklers and monitor stations.
126.0546 Sprinkler systems.
126.0550 Dry chemical systems.
126.0551 Foam system.
126.0552 Water deluge systems.
126.0555 Personnel emergency equipment.
126.0560 Maintenance of equipment.

SECURITY

126.0600 Security requirements.

PERSONNEL

126.0710 Personnel requirements.
126.0720 Person in charge.
126.0730 Training.

OPERATIONS

126.0810 General operations requirements.
126.0811 Person in charge: evidence of designation.
126.0812 Compliance with Operations Manual.
126.0813 Compliance with suspension order.
126.0821 Operations Manual: contents.
126.0823 Operations Manual: amendments
126.0826 Operations Manual: availability.
126.0831 Emergency manual: general.
126.0832 Emergency manual: contents.
126.0841 Smoking
126.0842 Motor vehicles
126.0843 Pier automotive equipment
126.0844 Rubbish and waste materials
126.0845 Maintenance of stores and supplies.
126.0846 Arrangement of cargo, freight, merchandise, and material.

RECORDS

126.0905 Inspection and maintenance.
126.0910 Personnel records.

AUTHORITY: 86 Stat. 427 (33 U.S.C. 1224); 86 Stat. 816, 868 (33 U.S.C. 1321 (j)(1)(C)); 49 CFR 1.46(n)(4) and (1).

Subpart A—General Facility Requirements

APPLICATION AND ENFORCEMENT

§ 126.0010 Application.

This part applies to waterfront facilities which handle, load, discharge, store, stow, transfer, or move hazardous materials.

§ 126.0020 Purpose.

(a) The intent of this part is to insure that waterfront facilities are designed, constructed, and equipped in a manner suitable for the purpose intended. It is further intended that all equipment be installed and maintained in such manner as to afford adequate protection against fire, explosion, equipment failure, and personnel injury.

(b) This part establishes requirements for the handling, storage, loading, and unloading of hazardous materials and for periodic facility inspections to determine compliance with and to enforce the standards in this part.

§ 126.0030 Definitions.

As used in this part:

"Captain of the Port" (COTP) means the U.S. Coast Guard officer commanding a Captain of the Port Area described in Part 3 of this chapter, or the COTP's authorized representative, or where there is no Captain of the Port Area, a District Commander.

"Commandant" means the Commandant of the Coast Guard or the Commandant's authorized representative.

"Discharge" includes but is not limited to any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

"District Commander" means the officer of the Coast Guard designated by the Commandant to command a Coast Guard District, as described in Part 3 of this chapter, or the District Commander's authorized representative.

"Dock area" means the area at which a vessel moors or at which a loading or discharging operation takes place.

"Facility" means waterfront facility.

"Facility operator" means the person who owns, operates, or is responsible for the operation of the facility.

"Fired equipment" means any equipment in which the combustion of fuels takes place, such as fired boilers, fired heaters, internal combustion engines, certain integral heated vaporizers, gas fired oil foggers, fired regeneration heaters, and flared vent stacks.

"Hazardous material" means any article, chemical, material, or cargo included in any of the following:

(a) 46 CFR Subchapter D (bulk liquid and gases);

(b) 46 CFR Subchapter O (bulk liquids and gases);

(c) 46 CFR Part 146 (military explosives);

(d) 46 CFR Part 148 (bulk solids);

(e) 49 CFR 172.101 ("packaged" hazardous materials);

(f) 33 CFR 124.14 (cargos of particular hazard);

(g) oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoils; or

(h) The following chemicals:

Acetyl tributyl citrate
Acrylamide solution (50 percent or less)
Alkyl benzene sulfonic acid
Aluminum fluoride
Aluminum sulfate
Ammonium acetate
Ammonium benzoate
Ammonium bicarbonate
Ammonium bisulfite
Ammonium bromide
Ammonium carbonate
Ammonium chloride
Ammonium chromate
Ammonium citrate, dibasic
Ammonium fluoborate
Ammonium hypophosphite
Ammonium iodide
Ammonium oxalate
Ammonium pentaborate
Ammonium persulfate
Ammonium phosphate, urea, water solutions
Ammonium silicofluoride
Ammonium sulfamate
Ammonium sulfite
Ammonium tartrate
Ammonium thiocyanate
Ammonium thiosulfate
Antimony tribromide
Antimony trifluoride
Antimony trioxide
Arsenic disulfide
Arsenic trisulfide
Benzene, toluene, xylene mixture
Benzoic acid
Benzonitrile
Beryllium chloride
Beryllium fluoride
Beryllium nitrate
Butyl methacrylate, decyl methacrylate, cetyl eicosyl methacrylate mixture
Butylamine
Cadmium acetate
Cadmium bromide
Cadmium chloride
Calcium alkyl salicylate
Calcium chromate
Calcium hydroxide
Captan
Cetyl eicosyl methacrylate
(Mono-) Chlorodifluoromethane
Chlorotoluene
2- or 3- Chloropropionic acid
Chromic acetate
Chromic sulfate
Chromous chloride
Cobaltous bromide
Cobaltous fluoride
Cobaltous formate
Cobaltous sulfamate
Coumaphos
Cupric acetate
Cupric formate
Cupric glycinate
Cupric lactate
Cupric nitrate
Cupric oxalate
Cupric subacetate
Cupric sulfate
Cupric sulfate, ammoniated
Cupric tartrate
Cuprous bromide
Cycloaliphatic resins
Cyclohexanone
Cyclohexylamine
2,4-D (esters)
Dalapon
(Iso-) Decyl acrylate
Dibutylamine
Dicamba
Dichlone
1,1-Dichlorethane
Diphenyl methane diisocyanate
Diquat
Disulfoton

Diuron
Dodecylamine, tetradecylamine mixture
Dodecyl diphenyl oxide disulfonate solution
Dodecylbenzenesulfonic acid
Dodecylbenzenesulfonic acid, calcium salt
Dodecylbenzenesulfonic acid, isopropanolamine salt
Dodecylbenzenesulfonic acid, sodium salt
Dodecylbenzenesulfonic acid, triethanolamine salt
Dursban
Endosulfan
Endrin
Ethion
Ethylamine
Ethylamine (70 percent or less)
Ethyl cyclohexylamine
Ethylenediamine-tetraacetic acid
Ethyl hexylamine
Ethylidene norbornene
Ethyl methacrylate
Ethyl N-butylamine
Ethyl toluene
Ferric ammonium citrate
Ferric ammonium oxalate
Ferric fluoride
Ferric nitrate
Ferric sulfate
Ferrous ammonium sulfate
Ferrous chloride
Ferrous sulfate
Fumaric acid
Guthion
Heptachlor
Hydroxylamine
Isophorone diamine
Kelthane
Lead acetate
Lead fluoborate
Lead fluoride
Lead iodide
Lead stearate
Lead sulfide
Lead tetraacetate
Lead thiocyanate
Lead thiosulfate
Lead tungstate
Lithium bichromate
Lithium chromate
Maleic acid
Maleic anhydride
Mercuric nitrate
Methacrylic acid
Methoxychlor
Methylcyclopentadienyl manganese tricarbonyl
Methyl tert-butyl ether
Mevinphos
Naled
Naphenic acid
Nickle ammonium sulfate
Nickle chloride
Nickel formate
Nickel hydroxide
Nickel nitrate
Nickel sulfate
Nitrophenol
Paraformaldehyde
Pentachlorophenol
1,3- or 1,4-Pentadiene
Polymethylene polyphenyl isocyanate
Polyvinylbenzyltrimethyl ammonium chloride
Potassium chromate
(Beta-) Propiolactone
(ISO-) Propyl ether
Pyrethrins
Quinoline
Resorcinol
Selenium oxide
Sodium
Sodium bifluoride
Sodium hypochlorite
Sodium hydrosulfide
Sodium phosphate, dibasic
Sodium phosphate, monobasic
Sodium phosphate, tribasic
Sodium selenite
Sodium chromate
Stannous fluoride
Strontium chromate
2,4,5-T (acid)
2,4,5-T (esters)
TDE
Tetraethylenepentamine
Tetraethyl lead
Toxaphene
Trichlorofon
Trichlorobenzene
1,1,2-Trichloroethane
Trichlorophenol
Triisopropanolamine
Trimethylacetic acid
Uranium peroxide
Uranyl acetate
Uranyl sulfate
Vanadium pentoxide
Vanadyl sulfate
Xylenols
Zectran
Zinc acetate
Zinc ammonium chloride
Zinc bichromate
Zinc borate
Zinc bromide
Zinc carbonate
Zinc fluoride
Zinc formate
Zinc hydrosulfite
Zinc phenolsulfonate
Zinc phosphide
Zinc potassium chromate
Zinc silicofluoride
Zinc sulfate
Zinc sulfate, monohydrate
Zirconium acetate
Zirconium potassium fluoride
Zirconium nitrate
Zirconium oxychloride
Zirconium sulfate

"Incompatible products" means products that, when mixed, create a hazard, such as spontaneous combustion or energy release, or form a product that is hazardous to health.

"Ignition Source" means any item or substance capable of an energy release of type and magnitude sufficient to ignite any flammable mixture of gases or vapors, as defined in 49 CFR 173.300(b)(1), which could occur on the facility.

"Maintenance personnel" means all personnel employed at a facility who perform maintenance to structures or equipment.

"Operational Personnel" means all personnel employed at a facility who perform, or have operating control over, some function of the facility.

"Operations" includes the handling, loading, discharging, transferring, and moving of hazardous materials.

"Person" includes an individual, firm, corporation, association, and partnership.

"Person in Charge" means an individual designated as a person in change of transfer operations.

"Pier" means a structure projecting from the shore into navigable waters.

"Public vessel" means a vessel owned or bare-boat chartered and operated by the United States, or by a state or political subdivision thereof, or by a foreign nation, except when such a vessel is engaged in commerce.

"Shore area" means an area of land, including waterfront facilities thereon, immediately adjacent to the navigable waters of the United States and extending inland to the extent that controls are necessary to prevent damage to, destruction of, or loss of a vessel, bridge, or waterfront facility on or in those waters, or to protect those waters from environmental harm resulting from vessel or facility damage, destruction, or loss.

"Slip" means an extension, artificial or otherwise, of navigable waters into the space between adjacent structures within which a vessel may be berthed or moored.

"Supervisory personnel" means all personnel employed at a facility who are responsible for the operation of the facility or the supervision of its personnel.

"Tank vessel" means any vessel that carries or is capable of carrying liquid bulk cargo in tanks.

"Vessel" means every description of watercraft or other artificial contrivance, whether U.S. or foreign, used or capable of being used as a means of transportation on water, other than a public vessel.

"Waterfront facility" means any building, refinery, tank farm, warehouse, dock, pier, wharf, or other structure in, on, or immediately adjacent to the navigable waters of the U.S. or on a shore area immediately adjacent to those waters. A facility includes federal, state, municipal, and private facilities.

"Wharf" means pier.

§ 126.0040 Enforcement.

(a) The rules and regulations in this part are enforced by the Captain of the Port under the supervision and general direction of the Commandant and the District Commander.

(b) The rules and regulations in this part are enforced by any other officer of the Coast Guard designated by the Commandant, the District Commander, or the Captain of the Port.

§ 126.0045 Suspension of transfer operations.

(a) The Captain of the Port may issue an order to suspend transfer operations, including the emergency removal, control, and disposition of hazardous materials, to the operator of a facility if the COTP finds that there is a condition requiring immediate action.

(b) An order of suspension may be effective immediately.

(c) An order of suspension includes a statement of each condition requiring immediate action.

§ 126.0050 Waiver authority.

The Commandant, District Commander, or Captain of the Port, in writing, may waive compliance with any regulation in this Part if compliance would be unreasonable or inimical to safety or national defense. However, the official granting a waiver shall impose requirements or conditions which will maintain at least the same degree of safety and environmental protection provided by the regulations in this Part.

§ 126.0055 Letter of intent.

(a) Each facility operator shall submit to the Captain of the Port a letter of intent to operate a facility.

(b) The letter of intent required by paragraph (a) of this section may be in any form but must contain—

(1) The name, address and telephone number of the operator;

(2) The name, address and telephone number of the facility;

(3) The geographical location of the facility with respect to the associated body of navigable waters, including a map or drawing of the facility; and

(4) The types of hazardous materials to be handled.

(c) The facility operator of any facility for which a letter of intent has been submitted shall immediately advise the Captain of the Port in writing of any changes of information in the letter and shall cancel, in writing, the letter for any facility at which operations are no longer conducted.

§ 126.0060 Use permit.

(a) Each facility operator shall submit to the Captain of the Port a written request for a use permit. The facility operator shall certify in the request that the facility complies and will comply with the requirements in this part. Non-compliance with the provisions of this part may result in the revocation of the use permit.

(b) The use permit terminates 5 years after the date it is issued. A facility operator may request, in writing, a renewal of the use permit.

(c) No person may operate a facility unless a use permit has been issued for that facility by the Captain of the Port.

§ 126.0065 Inspections.

(a) The facility operator shall allow any person designated for such purpose by the Commandant, District Commander, or the Captain of the Port, to make reasonable examinations and inspections to ensure compliance with the requirements of this part. All required testing of facility equipment must be conducted in a manner acceptable to the inspector.

(b) If during the inspection of a facility, the facility or its equipment is found not to conform to the requirements of law or the regulations of this part, the inspector points out all deficiencies and discusses all requirements with the facility operator, or the facility operator's representative. Normally, the inspector lists all requirements which have not been completed and presents the list to the facility operator, or the facility owner's representative.

§ 126.0070 Appeals.

(a) Any person directly affected by an order or direction issued under this part may request reconsideration by the official who issued the order or direction, and may appeal the order or direction to the COTP and then the District Commander, whose decision shall be final.

(b) Requests for reconsideration and appeals may be written or oral, but if oral, must be followed by no less than a written outline of the key points made. The Coast Guard official to whom the request or appeal is made will provide a written decision if requested.

(c) While any request or appeal is pending, the order or direction remains in effect.

§ 126.0090 Adoption of standards.

(a) In this part, portions or the entire text of certain consensus standards and specifications are referred to as governing requirements for materials, equipment, test, or procedures to be followed. The standards and specification requirements specifically referred to in this part shall be the governing requirements for the subject matters covered unless specifically limited, modified, or replaced by other regulations in this part.

(b) The following consensus standards are incorporated by reference except where modified by these regulations:

(1) Publications issued by National Fire Protection Association, 470 Atlantic Avenue, Boston, Mass. 02210, as listed in this paragraph.

(i) Standard for the Installation, Maintenance and Use of Portable Fire Extinguishers, NFPA No. 10—1975 Edition.

(ii) Standard for Foam Extinguishing Systems, NFPA No. 11—1974 Edition.

(iii) Standard for High Expansion Foam Systems, NFPA No. 11A—1970 Edition.

(iv) Standard on Synthetic Foam and Combined Agent Systems, NFPA No. 11B—1974 Edition.

(v) Carbon Dioxide Systems, NFPA No. 12—1973 Edition.

(vi) Halon 1301 System, NFPA No. 12A—1973 Edition.

(vii) Halon 1211 Systems, NFPA No. 12B—1973 Edition.

(viii) Standard for the Installation of Sprinkler Systems, NFPA No. 13—1974 Edition.

(ix) Standard for the Care and Maintenance of Sprinkler System, NFPA No. 13A—1971 Edition.

(x) Standpipe and Hose Systems, NFPA No. 14—1976 Edition.

(xi) Standard for Water Spray Fixed Systems for Fire Protection, NFPA No. 15—1973 Edition.

(xii) Foam-Water Sprinkler and Spray System, NFPA No. 16—1974 Edition.

(xiii) Standard for Dry Chemical Extinguishing Systems, NFPA No. 17—1975 Edition.

(xiv) Wetting Agents, NFPA No. 18—1972 Edition.

(xv) Fire Hose Connections, NFPA No. 194—1974 Edition.

(xvi) Fire Hoses, NFPA No. 196—1974 Edition.

(xvii) Centrifugal Fire Pumps, NFPA No. 20—1976 Edition.

(xviii) Water Tanks, NFPA No. 22—1976 Edition.

(xix) Standard for Outside Protection, NFPA No. 24—1973 Edition.

(xx) Flammable and Combustible Liquids Code, NFPA No. 30—1976 Edition.

(xxi) Stationary Combustion Engines and Gas Turbines, NFPA No. 37—1975 Edition.

(xxii) Storage of Proxylin Plastic, NFPA No. 40E—1975 Edition.

(xxiii) Liquid and Solid Oxidizing Materials, NFPA No. 43A—1975 Edition.

(xxiv) Storage of Gaseous Oxidizing Materials, NFPA No. 43C—1975 Edition.

(xxv) Storage of Pesticides in Portable Containers, NFPA No. 43D—1975 Edition.

(xxvi) Ammonium Nitrate Storage, NFPA No. 490—1975 Edition.

(xxvii) Intrinsically Safe Apparatus, NFPA No. 493—1975 Edition.

(xxviii) Explosive Materials, NFPA No. 495—1975 Edition.

(xxix) Purged Enclosures for Electrical Equipment, NFPA No. 496—1974 Edition.

(xxx) Liquefied Petroleum Gases, Storage and Handling, NFPA No. 58—1976 Edition.

(xxxi) Liquefied Petroleum Gases at Utility Gas Plants, NFPA No. 59—1976 Edition.

(xxxii) Liquefied Natural Gas, Storage and Handling, NFPA No. 59A—1975.

(xxxiii) Explosion Prevention Systems, NFPA No. 69—1973 Edition.

(xxxiv) National Electrical Code, NFPA No. 70—1975 Edition.

(xxxv) Electrical Code for One-and Two- Family Dwellings, NFPA No. 70A—1975 Edition.

(xxxvi) Automatic Fire Detectors, NFPA No. 72E—1974 Edition.

(xxxii) Public Fire Service Communications, NFPA No. 73—1975 Edition.

(xxxviii) Lightning Protection Code, NFPA No. 78—1975 Edition.

(xxxix) Fire Doors and Windows, NFPA No. 80—1975 Edition.
(xl) Standard for the Construction and Protection of Piers and Wharves, NFPA No. 87—1975 Edition.
(xli) Air Conditioning and Ventilating Systems, NFPA No. 90A—1976 Edition.
(xlii) Warm Air Heating and Air Conditioning, NFPA No. 90B—1976 Edition.
(xliii) Life Safety Code, NFPA No. 101—1976 Edition.
(xliv) Marinas and Boatyards, NFPA No. 303—1975 Edition.
(xlv) Control of Gas Hazards on Vessels, NFPA No. 306—1975 Edition.
(xlvi) Powered Industrial Trucks, NFPA No. 505—1975 Edition.
(xlvii) Truck Fire Protection, NFPA No. 512—1975 Edition.
(xlviii) Motor Freight Terminals, NFPA No. 513—1975 Edition.
(xlix) Guard Operations in Fire Loss Prevention, NFPA No. 601A—1975 Edition.
(l) Fire Prevention Colde, NFPA No. 1—1975 Edition.
(li) Industrial Fire Loss Prevention, NFPA No. 6—1974 Edition.
(lii) Fire Emergencies Management, NFPA No. 7—1974 Edition.
(liii) Training Reports and records, NFPA No. 9—1970 Edition.
(liv) Fire Department Operations in Properties Protected by Sprinkler Standpipe Systems, NFPA No. 13E—1973 Edition.
(lv) Fire Hose, Care of NFPA No. 198—1972 Edition.
(lvi) Steam Fire Pumps, Maintenance, NFPA No. 21—1975 Edition.
(lvii) Supervision of Valves, NFPA No. 26—1976 Edition.
(lviii) Fire Hydrants, Uniform Markings, NFPA No. 291—1974 Edition.
(lix) Water Charges, Private Protection, NFPA No. 292M—1974 Edition.
(lx) Manholes and Sewers, Flammable and Combustible Liquids and Gases in, NFPA No. 328—1975 Edition.
(lxi) Underground Leakage of Flammable and Combustible Liquids, NFPA No. 329—1972 Edition.
(lxii) Separation Distances of Ammonium Nitrate and Blasting Agents, NFPA No. 492—1976 Edition.
(lxiii) Electrical Installations in Chemical Plants, NFPA No. 497—1975 Edition.
(lxiv) Fire Hazards in Oxygen-Enriched Atmospheres, NFPA No. 53M—1974 Edition.
(lxv) Explosion Venting, Guide, NFPA No. 68—1974 Edition.
(lxvi) Electrical Equipment Maintenance, NFPA No. 70B—1975 Edition.
(lxvii) Static Electricity, NFPA No. 77—1972 Edition.
(lxviii) Protection From Exposure Fires, NFPA No. 80A—1975 Edition.
(lxix) Guard Service in Fire Loss Prevention, NFPA No. 601—1975.

DESIGN, CONSTRUCTION, AND EQUIPMENT

§ 126.0105 Quality assurance.

Each facility operator shall develop a quality assurance plan for a new facility during the design phase of the project. The plan must include procedures that will ensure compliance with this part.

§ 126.0110 Pier construction.

(a) Piers must be of substantial construction and designed for the use intended. Decks must be constructed of a material which will afford resistance to shock, durability, strength, and fire.
(b) Piers that are exposed to impact or excessive abrasion by vessels, or are subject to damage by floating ice or debris, must be designed to minimize any damage thereby. Adequate means must be provided to resist wind, current, and impact force exerted on the pier by construction that will substantially eliminate damage from ordinary operations.
(c) For drainage, horizontal surfaces of piers and their superstructures and substructures must be pitched to a slope of not less than four millimeters per meter (one inch in 20 feet). Decks must be arranged to safely drain off through scuppers or drains, or by other suitable means, excess water.

§ 126.0120 Protection of equipment.

(a) The facility operator shall locate and protect all equipment, piping, and appurtenances normally containing hazardous materials so that damage will not result from normal operations.
(b) Tanks primarily for the storage of any hazardous materials must not be located upon a pier except tanks for—
(i) Surge protection;
(ii) Pump suction supply; and
(iii) Emergency or support equipment fuel of a capacity of 1.9 cubic metres (500 gal.) or less.

§ 126.0125 Means of access.

There must be at least one all-weather vehicular road suitable for the movement of fire apparatus to the facility.

§ 126.0130 Sewers, trenches, and drains

No sewer, open trench, or drain may pass through the facility that would allow spilled hazardous materials or harmful vapors to be carried to areas not under the full control of the facility operator.

§ 126.0150 Electrical power system.

(a) All electrical power systems must meet and shall be installed in accordance with the National Electrical Code, NFPA No. 70 (1975). The facility must have the following—
(1) Primary power supply; and
(2) An emergency power supply.
(b) Electrical power systems must be maintained in a safe condition, free of defects or modifications that may cause fire or personal injury. Defective or dangerous wiring, equipment, and devices must be removed.
(c) The emergency power supply must provide for orderly shut-down and operation of necessary safety equipment.
(d) In the event of a power failure, there must be a means provided to ensure that all required aids to navigation are operational.

§ 126.0160 Lighting systems.

(a) The facility must be adequately illuminated during operations. The facility must have—
(1) A general lighting system; and
(2) Emergency lighting.
(b) Lighting of a facility must be arranged in a regular or symmetrical pattern. This pattern must make the pier distinguishable as a fixed structure when viewed by transiting marine traffic.
(c) Area and other lighting must be shielded and directed on the dock to minimize loss of night vision aboard transiting marine traffic.
(d) For operations between sunset and sunrise, the facility must assure lighting that illuminates—
(1) Each transfer connection point on the facility with an average minimum lighting intensity of 54 lx (five footcandles);
(2) Each transfer operation work area on the facility with an average minimum lighting intensity of 11 lx (one footcandle);
(3) Each transfer connection point in use on any barge moored at the facility with an average minimum lighting intensity of 54 lx (five footcandles); and
(4) Each transfer operations work area on any barge moored at the facility to or from which hazardous materials are being transferred with an average minimum lighting intensity of 11 lx (one footcandle). The lighting intensity must be measured on a horizontal plane one metre (3.3 feet) above the barge deck or walking surface. For small or remote facilities, the Captain of the Port may authorize operations with an equivalent intensity of lighting provided by the vessel or by portable means.
(e) Emergency lighting must be provided for orderly shut-down, operation of necessary safety equipment, and required navigational aids.

§ 126.0170 Warning alarms.

Warning alarms must be installed at the waterside of a facility to warn facility personnel and approaching or tansiting water traffic of immediate danger in the event of fire or cargo release. Warning alarms must be of the siren type and the emergency rotating flashing light type, and must be of sufficient intensity to be heard, or seen, a

distance of 1.6 km (1 mile) during normal facility working conditions. In the event of a power failure, there must be a means provided to ensure that all such warning alarms are operational.

FIRE PROTECTION AND SAFETY EQUIPMENT

§ 126.0520 Fire protection systems.

(a) The facility owner shall obtain written approval from the Captain of the Port for the installation of any fire control system.

(b) Each fire protection system must be maintained in good operating condition and ready for use at all times.

(c) An emergency fire pump, capable of operating during loss of electrical power at the facility, must be installed and operable.

(d) All firefighting equipment including hydrants, standpipe and hose stations, fire extinguishers, and fire alarm boxes must be conspicuously marked and readily accessible.

(e) There must be maintained at least 1.2 metres (four feet) of clear and open operating space around any fire alarm box, standpipe, fire house, sprinkler valve, fire door, access hatch, or fire appliance.

(f) Fire protective and extinguishing equipment must be listed and labeled by Underwriters Laboratories, Inc. or The Factory Mutual System.

§ 126.0530 Automotive fire apparatus.

(a) Fire trucks and other fire control equipment must be operated by suitably trained employees and not be used for any other purpose. Fire and water trucks must meet NFPA-19, "Standards for Automotive Fire Apparatus".

(b) Each motor vehicle used at and owned by the facility, not designed for fire control only, must have at least one dry chemical fire extinguisher rated 20-A and 80-B:C.

§ 126.0535 Fire mains.

(a) A loop fire main system must be provided around the effective operating perimeter of the facility.

(b) The capacity of the fire main system must be calculated by assuming two fire streams discharging at a minimum of 0.006 cubic metres per second (90 gal./min.) per hose on each area and structure and equipment unit listed in paragraph (e) of this section which could be simultaneously engulfed in a credible fire on the facility.

(c) The fire main must be supplied from two segregated connections to the fire main supply.

(d) The fire main supply system must provide water for not less than four hours duration.

(e) The fire main must supply monitors, hydrants, hose stations, or sprinklers throughout the facility and must cover the following areas:

(1) Operational and processing areas.
(2) Storage tank area.
(3) Loading arm and dock areas.
(4) Generator buildings.
(5) Warehouses.
(6) Office, maintenance, and utility structures.

§ 126.0546 Fire main piping.

(a) A fire main system that has a "wet" piping design must have all water headers and mains located below "frost" depth. All vertical risers must be maintained in a drained condition below the "frost" depth utilizing automatic bell drip valves or equivalent means. Fire mains located in freezing climates where there exists a high water table, must be installed with provisions to isolate and pump out vertical risers and hydrants after each use.

(b) A fire main system that incorporates above ground piping designs located in freezing climate must be looped and have a means to prevent piping obstructions as a result of freeze-up.

(c) Sectionalizing gate valves complete with post indicators must be installed to provide firemain isolation. If a single component of the system is destroyed, one of the sources of water supply required under § 126.0535(b) must remain operable.

(d) The firemain must be designed such that the pressure at the end of 30 metres (98 ft.) of 1½ inch hose does not exceed 1.05 M pa (152 PSIG).

(e) Pressure relief devices must be provided to ensure the firepump discharge pressure does not exceed the design pressure of firemain piping.

(f) Piping 100 mm (4 inches) and larger must be ASTM 21.6 class 125 cast iron or the equivalent. Cast iron piping must be cleaned and tested in accordance with NFPA 24.

(g) At a marine berth, at least two international shore connections must be available for use by the local fire department. The international shore connection must meet 46 CFR Subpart 162.034.

§ 126.0545 Hydrants, hose, sprinklers, and monitor stations.

Hydrant Systems must meet NFPA 24.

§ 126.0546 Sprinkler systems.

Sprinkler systems must meet NFPA 13 (1974).

§ 126.0550 Dry chemical systems.

(a) Fixed or portable dry chemical equipment must be ready for immediate use in any—

(1) Loading arm and dock areas;
(2) Piping manifold and hose transfer areas;
(3) Process areas;
(4) Shop areas;
(5) Office areas;
(6) Utility areas;
(7) Control rooms; or
(8) Storeroom areas.

(b) Dry chemical equipment and installations must meet NFPA 17 and NFPA 10 and have chemicals capable of extinguishing the types of fire most likely to be encountered.

§ 126.0551 Foam systems.

Where installed, foam systems must meet NFPA 11, 11a, or 11b.

§ 126.0552 Water deluge systems.

Where installed, water deluge systems must meet NFPA 15.

§ 126.0555 Personnel emergency equipment.

(a) The operator shall provide the following personnel emergency equipment outfits in the quantity determined necessary by the Captain of the Port. Each outfit shall include the following:

(1) Self-contained breathing apparatus, including belt and lifeline, approved under 30 CFR Part 11.

(2) An explosion proof flashlight listed by Underwriters Laboratories, Inc., for use in Class I, Group D, hazardous areas.

(3) Boots and gloves of rubber or other electrically non-conducting material.

(4) A rigid helmet that provides effective protection against impact.

(5) Protective clothing that will protect the skin from heat and burns of fire. The outer surface must be water resistant.

(6) A combustible gas indicator.

(b) Emergency equipment outfits must be stored in a dry, conspicuous place and marked "Emergency Equipment Outfit". The equipment may not be used for any purpose other than emergencies.

§ 126.0560 Maintenance of equipment.

Each facility operator shall develop and follow a preventive maintenance plan that is designed to maintain all fire protection and safety equipment in proper working condition. Fire protection equipment must be maintained in accordance with the following:

(a) Care and Maintenance of Sprinkler Systems (NFPA No. 13A).

(b) Standard for the Installation, Maintenance, and Use of Local Protective Signaling Systems (NFPA No. 72A).

(c) Standard for the Installation, Maintenance, and Use of Auxiliary Protective Signaling Systems (NFPA No. 72B).

(d) Standard for the Installation, Maintenance, and Use of Proprietary Protective Signaling Systems (NFPA No. 72D).

(e) Standard for the Installation of Standpipe (Fire Line) and Hose System (NFPA No. 14).

(f) Standard for the Maintenance and Use of Portable Extinguisher (NFPA No. 10A).

SECURITY

§ 126.0600 Security requirements.

Each facility operator shall provide a security system when required by the Captain of the Port, which shall be designed to minimize entry by unauthorized persons, provide adequate surveillance, detect fire hazards, and check the readiness of protective equipment.

PERSONNEL

§ 126.0710 Personnel requirements.

For each operational personnel position in the facility, the operator shall establish—

(a) Minimum qualifications;

(b) Job descriptions; and

(c) Training requirements.

§ 126.0730 Training.

(a) All operational and supervisory personnel must have the following minimum training:

(1) Basic firefighting.

(2) Basic first aid.

(3) Basic safety instructions for the hazardous materials handled at the facility.

(4) Facility layout.

(5) Personnel responsibility.

(6) Emergency procedures.

(b) All supervisory personnel and persons in charge must have the following additional training:

(1) Instruction on the facility operation, including controls, functions, and operating procedures.

(2) Advance firefighting instructions.

(3) Instruction in security procedures.

(4) Basic introduction to the operation and construction of ships, trucks, and rail cars as applicable.

(5) Basic instruction on the characteristics, properties, and hazards of the products handled in the facility.

(6) Advance instruction in emergency procedures.

(7) Advanced first aid.

(c) The facility operator shall ensure that all personnel receive refresher training in firefighting and first aid at least every two years. The operator shall be responsible for the training of plant personnel.

OPERATIONS

§ 126.0810 General operations requirements.

(a) No person may operate a facility unless the equipment, personnel, and operating procedures of the facility meet the requirements of this part.

(b) The facility operator shall submit to the Captain of the Port an Operations Manual meeting the requirements of § 126.0821 and an Emergency Manual meeting the requirements of § 126.0831 for approval.

§ 126.0811 Person in charge: evidence of designation.

The facility operator shall provide suitable identification for each individual designated as a person in charge.

§ 126.0812 Compliance with Operations Manual.

The facility operator shall use and require facility personnel to use the procedures in the Operations Manual prescribed in § 126.0821 for operations under this part.

§ 126.0813 Compliance with suspension order.

No facility operator to whom an order of suspension has been issued under § 126.0045 may conduct operations until that order is withdrawn.

§ 126.0821 Operations Manual: contents.

Each facility operator shall prepare and submit to the Captain of the Port an Operations Manual that contains, in the order listed—

(a) Operating requirements and procedures;

(b) Duties and responsibilities of operating personnel;

(c) As description of the facility, including a plan of the facility outlining any mooring areas, transfer locations, control stations, piping systems, and fire and safety equipment;

(d) The names and telephone numbers of facility supervisory personnel, local Coast Guard unit, local hospitals, local fire department, local police department, and other personnel who may be called by the employees of the facility in an emergency;

(e) The location and facilities of any personnel shelter;

(f) A description of any emergency shutdown system, including its location;

(g) A description of security systems and measures;

(h) A description of any training program required by § 126.0730; and

(i) A description of any maintenance, repair and retest programs for operational, fire, and safety equipment and systems.

§ 126.0823 Operations Manual: amendments.

(a) The Captain of the Port may require the facility operator to amend the Operations Manual if the COTP finds that the Operations Manual does not meet the requirements of this part.

(b) When the Captain of the Port requires an amendment of an Operations Manual, the COTP notifies the facility operator in writing of the date, not less than 14 days from the date of the notice, on or before which the facility operator may submit written information, views, and arguments on the amendment. After considering all relevant material presented, the Captain of the Port notifies the facility operator of any amendment required or adopted, unless the COTP rescinds the notice. The effective date of the amendment will be not less than 30 days after the facility operator receives the notice unless the facility operator petitions the District Commander to reconsider the notice, in which case its effective date is stayed pending a decision by the District Commander. Petitions to the District Commander must be submitted in writing to the Captain of the Port.

(c) If the Captain of the Port finds that there is a condition requiring immediate action to prevent the discharge or risk of discharge of hazardous materials that makes the procedure in paragraph (a) of this section impracticable or contrary to the public interest, the COTP may issue an amendment effective, without stay, on the date the facility operator receives notice of it. In such a case, the Captain of the Port includes a statement of the reasons for the finding in the notice.

(d) Each facility operator shall keep the Operations Manual current so that it meets § 126.0821. The facility operator shall provide a copy of each change to the Operations Manual to the Captain of the Port within 10 days after the change occurs.

§ 126.0826 Operations Manual: availability.

Each facility operator shall keep an Operations Manual at the facility and shall make it readily available to the operational personnel, vessel personnel and to the Captain of the Port.

§ 126.0831 Emergency Manual: general.

Each Emergency Manual must contain detailed instructions for the following:

(a) General emergency procedures.

(b) Plan for fire control and fire fighting systems procedures.

(c) Emergency lighting procedures.

(d) Emergency power system procedures.

(e) Emergency shut down procedures.

§ 126.0841 Smoking.

The facility operator shall prohibit smoking, and no person may smoke, on any portion of the waterfront facility, except in locations specifically designated as smoking areas and approved by the Captain of the Port. NO SMOKING signs must be prominently displayed throughout prohibited areas.

§ 126.0842 Motor vehicles.

Motor vehicles may not remain or park in cargo transfer areas, except under any of the following conditions:

(a) When actually awaiting opportunity to load or discharge cargo, ship supplies, or passengers and attended by a driver.

(b) When being used for or incident to maintenance, repair, or alterations and attended by a driver.

(c) When headed toward an unimpeded exit and attended by a driver.

(d) When handled and stored as an item of cargo.

(e) In such portions of the facility as designated and marked off by the owner or operator when parking areas are designated and permitted in accordance with local ordinances and regulations, and provided no fire lanes are blocked or exits impeded by their presence.

§ 126.0843 Pier automotive equipment.

Tractors, stackers, lift trucks, hoisters, and other equipment driven by internal combustion engines used on a facility must be of such construction and condition as not to constitute a fire hazard. Each unit must be kept free from excess grease, oil, or lint. When not in use, automotive equipment must be stored in a safe manner and location. Gasoline or other fuel used for such equipment must be stored and handled in accordance with accepted safe practices. Refueling of such equipment or any vehicle is prohibited on any pier within the facility.

§ 126.0844 Rubbish and waste materials.

The facility must be free from rubbish, debris, and waste materials. Burning rubbish in an open fire on a waterfront facility is prohibited.

§ 126.0845 Maintenance of stores and supplies.

Supplies listed in § 126.0030 (Hazardous material), to be used in connection with operation or maintenance of the facility, may not be stored on any pier or elsewhere on the facility except in amounts necessary for normal current operating conditions. Storage areas must be kept clean and maintained free of scrap materials, empty containers, soiled wiping rags, waste, and other debris. Covered metal containers must be provided for storage of used wiping cloths and the contents must be moved at the end of each working day.

§ 126.0846 Arrangement of cargo, freight, merchandise, and material.

Cargo, freight, merchandise, or material must be arranged on the facility in a manner to permit complete access for the purpose of fire extinguishment, except on facilities used primarily for the transfer of railroad or highway vehicles to or from cargo vessels and carfloats. Cargo, freight, merchandise, or other material must be placed on the waterfront facility in accordance with the following:

(a) At least 0.6 metre (two feet) of clear and open space must be maintained free of rubbish, dunnage, or other obstructions between cargo, freight, merchandise, or other material piles and both sides of the walls, fire walls, or fire stops in enclosed waterfront facilities. This distance shall be measured from the most prominent projection of the wall such as studding, bracings, or other obstructions that are part of the structure. In an unenclosed facility, 0.6 metre (two feet) of clear and open space shall be maintained free of rubbish, dunnage, or other obstructions between cargo, freight, merchandise, or other material and the sides of the pier.

(b) Inflammable or combustible cargo, freight, merchandise, or material, not including bulk cargo, shall not be tiered higher than 4 metres (13 feet). All cargo, freight, merchandise, or other material including flammable or combustible cargo, freight, merchandise, or material shall be so tiered as to maintain a clearance between the upper level of the top tier and trusses, beams, girders, or other structual members of not less than one metre (3.3 feet), and between such upper level and sprinkler heads a clearance of at least 0.3 metre (one foot) shall be maintained.

(c) There shall be maintained at least 1.2 metres (four feet) of clear and open operating space around any fire alarm box, standpipe, fire hose, sprinkler valve, fire door, deck hatch, or first-aid fire appliance.

(d) When first-aid equipment, fire appliances, alarm boxes, other safety equipment, or deck hatches are located in a space surrounded by cargo, freight, merchandise, or other material, there shall be maintained a straight, free, and open space at least one metre (3.3 feet) in width running therefrom to the center aisle. This space shall be kept clear of all rubbish, dunnage, and other obstruction.

(e) A main aisle of at least six metres (19.5 feet) in width shall be maintained the entire length of the waterfront facility if control of fire requires trucks to come on the pier. The aisle may be reduced to 2.5 metres (eight feet) in width if such access by fire trucks is not required.

(f) Cross aisles, at least 1.5 metres (five feet) wide and straight, shall be maintained at intervals not exceeding 23 metres (75 feet), and extending to the side of the facility.

RECORDS

§ 126.0905 Inspection and maintenance.

The facility operator shall keep on file for a period of 5 years a record of the dates and results of—

(a) Each inspection and test; (b) all required periodic maintenance of safety and fire protection systems, equipment, and devices; and (c) material and equipment accidents and corrective action taken.

§ 126.0910 Personnel records.

The facility operator shall keep personnel records for all operational personnel assigned to the facility which includes—

(a) qualifications; (b) training; and (c) lost time accidents.

(86 Stat. 427 (33 U.S.C. 1224); 86 Stat. 816, 868 (33 U.S.C. 1321(j)(1)(C)); 49 CFR 1.46 (n)(4) and (l).)

O. W. SILER,
Admiral, U.S. Coast Guard
Commandant.

APRIL 3, 1978.

[FR Doc. 78-9469 Filed 4-7-78; 8:45 am]